

FCC MAIL SECTION

Federal Communications Commission

DA 96-1632

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DISPATCHED BY      Before the  
Federal Communications Commission  
Washington, D.C. 20554

In the Matter of	)	
	)	
Amendment of Section 73.202(b)	)	MM Docket No. 96-75
Table of Allotments,	)	RM-8781
FM Broadcast Stations.	)	
(Reynoldsville, Pennsylvania)	)	

**REPORT AND ORDER**  
(Proceeding Terminated)

Adopted: September 27, 1996;      Released: October 4, 1996

By the Chief, Allocations Branch:

1. At the request of Priority Communications, Inc. ("petitioner"), licensee of Station WDSN(FM), Channel 258A, Reynoldsville, Pennsylvania, the Commission has before it the Notice of Proposed Rule Making, 11 FCC Rcd 4661 (1996), proposing the substitution of Channel 293A for Channel 258A at Reynoldsville, and the modification of Station WDSN(FM)'s license accordingly. Petitioner filed comments in support of the proposal reaffirming its intention to apply for the channel, if allotted. No other comments were received.

2. In support of its proposal, petitioner states that Station WDSN(FM) presently operates at three kilowatts and is precluded from increasing its power to six kilowatts because of short-spacings to Station WDCX(FM), Channel 258B, Buffalo, New York, and Station WFRA-FM, Channel 275B1, Franklin, Pennsylvania. Petitioner asserts that the substitution of Channel 293A for Channel 258A at Reynoldsville would allow Station WDSN(FM) to increase its power to six kilowatts.

3. We believe the public interest would be served by substituting Channel 293A for Channel 258A at Reynoldsville, Pennsylvania, since it would enable Station WDSN(FM) to increase its power to six kilowatts and expand its service area. An engineering analysis has determined that Channel 293A can be allotted to Reynoldsville in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction at petitioner's authorized site.<sup>1</sup> As requested, we also modify Station WDSN(FM)'s license to specify operation on Channel 293A in lieu of Channel 258A at Reynoldsville, Pennsylvania. We note that the procedures outlined in

<sup>1</sup>The coordinates for Channel 293A at Reynoldsville are North Latitude 41-08-41 and West Longitude 78-52-41.

Modification of FM and TV Licenses, 98 FCC 2d 916 (1984), and Section 1.420(g) do not apply here since no change in the class of the channel is involved.<sup>2</sup> Since Reynoldsville is located within 320 kilometers (200 miles) of the U.S.-Canadian border, concurrence of the Canadian government has been obtained.

4. Accordingly, pursuant to the authority found in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective November 18, 1996, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED, with respect to the community listed below, to read as follows:

<u>City</u>	<u>Channel No.</u>
Reynoldsville, Pennsylvania	293A

5. IT IS FURTHER ORDERED, That pursuant to Section 316(a) of the Communications Act of 1934, as amended, the license of Priority Communications, Inc., for Station WDSN(FM), Reynoldsville, Pennsylvania, IS MODIFIED to specify operation on Channel 293A in lieu of Channel 258A, subject to the following conditions:

- (a) Nothing contained herein shall be construed as authorizing any change in Station WDSN(FM)'s license, BLH-900220KB, except the channel as specified above. Any other changes, except for those so specified under Section 73.1690 of the Rules, require prior authorization pursuant to an application for construction permit (FCC Form 301), specifying the new facility.
- (b) Program tests may be conducted in accordance with the provisions of Section 73.1620 of the Rules, PROVIDED the transmission facilities comply in all respects with license BLH-900220KB, except for the channel as specified above and a license application (FCC Form 302) is filed within 10 days of commencement of program tests.

6. IT IS FURTHER ORDERED, That the Secretary shall send a copy of this Report and Order by Certified Mail, Return Receipt Requested, to the licensee, as follows:

Priority Communications, Inc.  
55 Troup Street, #122

<sup>2</sup>The Commission considers channels of the same class to be equivalent unless showings have been made that a station cannot be constructed for reasons such as environmental consequences or air hazards. See Vero Beach, Florida, 3 FCC Rcd 1049 (1988), rev. denied, 4 FCC Rcd 2184, 2185 (1989).

Rochester, New York 14608  
(Licensee of Station WDSN(FM))

7. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

8. For further information concerning this proceeding, contact Sharon P. McDonald, Mass Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos  
Chief, Allocations Branch  
Policy and Rules Division  
Mass Media Bureau